REMARKS

Reconsideration of the present application is respectfully requested.

Notice that claims 1-7, 10, 11 and 13-21 are either allowed or allowable if rewritten is again acknowledged with appreciation.

The rejection of claims 8, 9 and 12 under 35 USC 103(a) as being unpatentable over Ju et al. is respectfully traversed.

The Office Action bases part of this rejection on the statement "it is obvious to an artisan in the art that in an ideal VCM plant there are no resonance modes, so therefore the notch filter will filter one or more resonance modes that are in the actual VCM plant but are not in the ideal VCM plant." This statement, however, cannot support this rejection for at least two reasons.

First, that statement is nothing more than an inherency argument. That which may be inherent is not necessarily known. Obviousness cannot be predicated on what is unknown. *In re Spormann*, 363 F.2d 444, 448, 150 USPQ 449, 452 (CCPA 1966).

Second, such a retrospective view of inherency is not a substitute for some teaching or suggestion supporting an obviousness rejection. See *In re Newell*, 891 F.2d 899, 901, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989). The Office Action statement quoted above is simply a conclusion. Support for that conclusion, such as some objective evidence, is requested. As it stands now, however, that broad conclusory statement standing alone is not evidence. See *Dembiczak*, 175 F.3d at 999, 50 USPQ2d at 1617.

In conclusion, the Office Action has not properly supported the rejection of claims 8, 9 and 11. As a consequence, those claims are not obvious and are therefore allowable.

Respectfully submitted,

Seagate Technology LLC
(Assignee of the Entire Interest)

4/5/05
Date

David K. Lucente, Reg. No. 36,202
Seagate Technology LLC
Intellectual Property Dept. – COL2LGL
389 Disc Drive
Longmont, CO 80503
(720) 684-2295 (telephone)
(720) 684-2588 (facsimile)